

COPY in Com

Att. to
Dec. 10, 1958

NEW HAMPSHIRE LAW LIBRARY

December 16, 1958

OCT 01 1998

CONCORD, N.H.

Mr. Paul E. Farnum
Deputy Commissioner of Education
State House Annex
Concord, New Hampshire

Dear Mr. Farnum:

Upon re-examining our letter of December 10, 1958 relating to the conduct of town and school meetings we find that some of our statements may require clarification.

In answer to your first inquiry we indicated that it is illegal to conduct both meetings at the same time which may be considered to be inconsistent with the answer to your second question in which we stated that the school district warrant may be considered during the period when the polls are still open for town balloting.

In our answers to both questions it was our intention to make it clear that the two meetings must be conducted separately so that there is no conflict between the two, or any interference with one by the other. In brief, we believe that the meetings may be conducted at the same time only to the limited extent indicated in our answer to Question #2, and then only if the town balloting and consideration of articles in the school warrant may be done in such a manner that neither meeting interferes with the other. If town voting and school voting are conducted at the same time there must be separate ballot boxes, separate voting booths and separate election officials.

Towns and school districts each have their own officers, and one who is an officer in both cannot act in a dual capacity and perform his separate town and school district duties at one and the same time. Thus, for example, one who is both town moderator and school district moderator cannot in his capacity as moderator of the school district preside over the school meeting at the same time he is receiving town ballots in his capacity as town moderator. By the same token one who is both town clerk and clerk of the school district cannot in his capacity as town clerk check off names on the town check list and at the same time in his capacity as clerk of the school district record the minutes of the school district meeting. The foregoing examples are not intended to be all inclusive, but are given simply to illustrate the principle that one cannot perform duties as a town official and a school district official at one and the same time.

C O P Y

Mr. Paul E. Farnum
Deputy Commissioner of Education

-2-

12/16/58

We repeat our strong belief that much difficulty and confusion can be avoided if the two meetings are conducted at different times and preferably on different dates.

Very truly yours,

George T. Ray, Jr.
Assistant Attorney General

GTR,Jr/m